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| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/801,743 | FIGUEROA, IDYYS D. | |
| | Examiner | Art Unit | |
| | Bernard E. Souw | 2881 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amdt 04/04/2005.
2. ☒ The allowed claim(s) is/are 1-70.
3. ☒ The drawings filed on 15 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Applicant's Amendment

1. The amendment and argument filed 04/04/2005 have been entered. The present Office Action is made with all the amendment and arguments being fully considered.

The specification has been amended.

No claim has been amended or cancelled.

New claims 54-70 have been added.

Claims 1-70 are pending in this office action.

Claim Rejection Withdrawn

2. Applicant's arguments having been deemed persuasive, the previous rejections of claims 41-53 are now withdrawn.

ALLOWANCE

3. Claims 1-70 are allowed.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

Claims 1, 21, 30, 54 and 63 are allowed for reciting a system or method for producing electrospray ions by employing a thermal inkjet material dispenser and an electrically conducting grid disposed in the proximity of the material dispenser to permit

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a selective passage of material samples. Although the wording "electrospray ions" is recited in the preamble, it has been given a patentable weight for specifically reciting both "electrospray" and "ions" not recited in the body of the claim(s).

Claim 41 is allowed for reciting a system for producing electrospray ions by thermally actuating a discharge of a plurality of sample material particles by applying a voltage potential and a means for a selective passage of sample material particles. Although the wording "electrospray ions" is recited in the preamble, it has been given a patentable weight for specifically reciting both "electrospray" and "ions" not recited in the body of the claim.

Claims 2-20, 22-29, 31-40, 42-53, 55-62 and 64-70 are also allowed because of its/their dependencies, either directly or indirectly, upon the allowed claims 1, 21, 30, 41, 54 and 63.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Relevant Prior Art

6. This prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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(a) USPAT 6,663,214, issued on 12/16/2003 to Chen et al.; USPAT 5,594,652, issued on 01/14/1997 to Penn et al.; and USPAT 6,001,309, issued on 12/14/1999 to Gamble et al., disclose a thermal inkjet material dispenser for selectively emit a plurality of sample material particles. However, the cited references do not teach the use of the inkjet material dispenser for producing electrospray ions.

(b) USPGPUB 2005/0035285, issued on 02/17/2005 to Tan et al. is found to disclose a thermally actuated material dispenser for selectively emit a plurality of sample material particles for use as an electrospray in a mass spectrometer. However, Tan et al. do not teach the use of an electrically conducting grid to selectively permit a selective passage of material samples.

(c) USPGPUB 2005/0054083, issued on 03/10/2005 to Vuong et al. is found to disclose a thermally actuated material dispenser for selectively emit a plurality of sample material particles. However, the cited reference does not teach the thermally actuated material dispenser for use as an electrospray and/or in a mass spectrometer. Furthermore, the earliest priority date of the reference, 04/30/2004, is predated by the priority date of the present application, 03/15/2004.

Communications

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard E Souw whose telephone number is 571 272 2482. The examiner can normally be reached on Monday thru Friday, 9:00 am to 5:00 pm..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 571 272 2477. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications as well as for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

bes
April 12, 2005


JOHN R. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800